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RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 3928
RUEHLO/AMEMBASSY LONDON PRIORITY 5232
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 1291
RUEHCI/AMCONSUL KOLKATA PRIORITY 3359
RUEKJCS/SECDEF WASHDC PRIORITY
RUCNDT/USMISSION USUN NEW YORK PRIORITY 2597
RHEFDIA/DIA WASHDC PRIORITY
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TAGS: [PGOV](#) [PTER](#) [KDEM](#) [NP](#)

SUBJECT: NEPAL: NEPAL BAR ASSOCIATION WILL OBSERVE ELECTIONS

Classified By: Ambassador James F. Moriarty. Reasons 1.4 (b/d).

Summary

¶1. (SBU) On April 9, Bishwa Kanta Mainali, President of the Nepal Bar Association (NBA), told the Ambassador that the NBA planned to monitor the June 20 Constituent Assembly election.

Mainali had recently been elected President of the NBA and planned to make the NBA an apolitical association. The NBA had three priorities for the coming months: rule of law, human rights, and the independence of the judiciary. The NBA's project with the American Bar Association (ABA) was moving forward; Mainali planned to visit the U.S. in June to discuss the project and meet with ABA and U.S. government officials.

NBA to Monitor Elections

¶2. (SBU) Bishwa Kanta Mainali, President of the NBA, told the Ambassador April 9 that the NBA planned to monitor the Constituent Assembly election slated for June 20. Mainali had been on the National Election Observation Committee during the 1991 and 1996 elections and planned to put his expertise to work. The NBA would use its 81 units in most districts of the country to monitor elections and hold the offending parties responsible for election-related misconduct and violations of human rights. The NBA had not yet applied for funding, but planned to do so soon.

NBA to Become Apolitical

¶3. (SBU) Mainali believed it was important that the NBA maintain impartiality in the current political situation. While the NBA membership ran the political spectrum from the far-right to the far-left, the NBA would promote human rights and democracy in a nonpartisan manner.

Three Priorities for the NBA

¶4. (SBU) Mainali stated that the NBA had three goals over the coming year. First, the NBA would work to strengthen the rule of law in the country, making the public aware of their

rights and ensuring that they could legally pursue those rights. Second, the NBA would defend human rights across the country, monitoring the situation and bringing cases against human rights violators. Third, the NBA would promote the independence of the judiciary. The judiciary did not need to be dismantled, as others had suggested in recent days, but needed instead to be strengthened and made more independent. The NBA planned to help identify and root out corruption in the judiciary to improve its public image and strengthen its independence.

ABA Project Going Well; Travel to the U.S.

15. (SBU) Mainali said that the DRL-funded project with the NBA and the ABA was moving along well. A planning meeting had successfully concluded and the community awareness project was about to get underway in earnest. Mainali planned to travel to the U.S. in June, and requested assistance in planning meetings with U.S. Department of Justice officials and American intellectuals conversant in federalism and the rule of law. Mainali will travel to Washington, New York, and Boston. Post will assist him with his appointments.

Comment

16. (C) The Nepal Bar Association has been a political force in the past, generally helping whichever political party its President is affiliated with. If Mainali, who has strong ties to the Communist Party of Nepal-United Marxist Leninist (CPN-UML), is able to move the NBA into nonpartisan support for human rights, democracy, and an independent judiciary,

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the Nepali people will benefit. We will continue to work closely with the NBA not only to assess the ABA-NBA project, but also to promote its work with election monitoring in the upcoming election -- and to ensure that Mainali moves the organization in an apolitical direction.
MORIARTY